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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|------------------------|---------------------|------------------|
| 09/858,174 | 05/15/2001 | Martyn Ian Butterworth | 13344-9025-00 | 1570 |
| 23409 | 7590 | 08/28/2007 | EXAMINER | |
| MICHAEL BEST & FRIEDRICH LLP | | | JANVIER, JEAN D | |
| 100 E WISCONSIN AVENUE | | | ART UNIT | PAPER NUMBER |
| Suite 3300 | | | 3622 | |
| MILWAUKEE, WI 53202 | | | MAIL DATE | DELIVERY MODE |
| | | | 08/28/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Incomplete Response

In the response filed, on June 06, 2007, Applicant has elected, **without traverse**, Group I consisting of claims 1-8 and 18-25, while canceling from Group II claims 12-17 and 27-34 and amending originally filed independent claims 9 and 26 such that they are now dependent on elected independent claims 1 and 18 respectively to thereby overcome the restriction requirement. **This action is deemed improper.** The fact that non-elected originally filed independent claims 9 and 26 of Group II now depend on elected independent claims 1 and 18 respectively does not automatically eliminate the Examiner's burden, which remains the same as outlined in the restriction requirement. In response to the present communication, the Applicant can either elect Group I or Group II as featured in the requirement. However, if the Applicant insists on maintaining the listing of the claims as it now presented, then the Examiner will respond by imposing **a restriction by species** since displaying a supplemental image to the caller during a phone call is patentable distinct over displaying the supplemental image rather to the recipient of the call, as one skilled in the art would have concluded. Here, as further supported by MPEP, the Examiner does not intend to prosecute both inventions in a single Application. Having said that, the Applicant is given one month to respond to current communication. Applicant is herein given one month to respond to the present communication.

Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

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Non-Official- 571-273-6719.

Official Draft : 571-273-8300

Jean D. Janvier

JDJ

Patent Examiner

08/22/07

Art Unit 3622

JEAN D. JANVIER
PRIMARY EXAMINER
Jeanne Janvier